

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNETTE MILLER,)	CV. NO. 04-00441 JMS-BMK
)	
Plaintiff,)	
)	
vs.)	
)	
MAUI OCEAN ACTIVITIES,)	
)	
Defendant.)	
_____)	

AMENDED RULE 16 SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 16 and LR 16.2, a rescheduling conference was held on March 9, 2006, before the Honorable Barry M. Kurren, United States Magistrate Judge. Appearing at the conference were Howard McPherson for Plaintiff and John O’Kane and Mark S. Hamilton for Defendant.

Pursuant to Fed. R. Civ. P. 16(e) and LR 16.3, the Court enters this amended scheduling conference order:

TRIAL AND PRETRIAL CONFERENCE SCHEDULING:

1. **NON-JURY** trial in this matter will commence before the Honorable Barry M. Kurren, United States Magistrate Judge on October 17, 2006, at 9:00 a.m.
2. A final pretrial conference shall be held on September 7, 2006, at 9:00 a.m. before the Honorable Barry M. Kurren, United States Magistrate Judge.

3. (RESERVED)

4. Pursuant to LR 16.6, each party herein shall serve and file a separate final pretrial statement by August 31, 2006.

MOTIONS:

5. (RESERVED)

6. (RESERVED)

7. Dispositive motions shall be filed by May 17, 2006.

8. Motions in limine shall be filed by September 26, 2006.

Any opposition memorandum to a motion in limine shall be filed by October 3, 2006.

DISCOVERY:

9. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f).

10. (RESERVED)

11. (RESERVED)

12. Pursuant to Fed. R. Civ. P. 16(b)(3) and LR 16.2(a)(6), the discovery deadline shall be August 17, 2006. Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive must be completed by the discovery deadline. Unless otherwise

permitted by the Court, all discovery motions and conferences made or requested pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive and LR 26.1, 26.2 37.1 shall be heard no later than thirty (30) days prior to the discovery deadline.

SETTLEMENT:

13. A settlement conference shall be held on July 31, 2006, at 10:00 a.m. before the Honorable Leslie E. Kobayashi, United States Magistrate Judge.

14. Each party shall deliver to the presiding Magistrate Judge a confidential settlement conference statement by July 24, 2006. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

15. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

TRIAL SUBMISSIONS:

16. (RESERVED)

17. (RESERVED)

18. (RESERVED)

19. (RESERVED)

20. (RESERVED)

WITNESSES:

21. By September 26, 2006, each party shall serve and file a final comprehensive witness list indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.
22. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary delay.
23. The party presenting evidence at trial shall give notice to the other party the day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

EXHIBITS:

24. By September 19, 2006, the parties shall premark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.
25. The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by September 26, 2006.

26. By October 3, 2006, the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

27. The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court the Thursday before trial.

DEPOSITIONS:

28 a. By September 26, 2006, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

b. Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by October 3, 2006.

TRIAL BRIEFS:

29. By October 3, 2006, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments and authorities.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

30. Each party shall serve and file proposed findings of fact and conclusions of law by October 3, 2006.

OTHER MATTERS:

IT IS SO ORDERED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: March 28, 2006

JEANETTE MILLER V. MAUI OCEAN ACTIVITIES; CV. NO. 04-00441 JMS-BMK; AMENDED RULE 16 SCHEDULING ORDER.